

No.

3712

In the United States Circuit Court of Appeals
FOR THE NINTH CIRCUIT

In the Matter of the Petition of HOSAYE SAKA-
GUCHI, for a Writ of Habeas Corpus.

TRANSCRIPT UPON APPEAL

FROM THE UNITED STATES DISTRICT
COURT FOR THE WESTERN DISTRICT
OF WASHINGTON, NORTHERN
DIVISION.

FILED
JUL - 5 1911
F. D. MORGAN

No.

In the United States Circuit Court of Appeals
FOR THE NINTH CIRCUIT

In the Matter of the Petition of HOSAYE SAKA-
GUCHI, for a Writ of Habeas Corpus.

TRANSCRIPT UPON APPEAL

FROM THE UNITED STATES DISTRICT
COURT FOR THE WESTERN DISTRICT
OF WASHINGTON, NORTHERN
DIVISION.

INDEX

Assignments of Error	13
Bond on Appeal	19
Citation	17
Clerk's Certificate	24
Decision	9
Judgment	11
Notice of Appeal	16
Order Fixing Bond	15
Order to Show Cause	5
Order Extending Time to File Record.....	22
Order to Transmit Original Exhibit.....	23
Petition for Appeal	12
Petition for Writ of Habeas Corpus.....	2
Return to Order to Show Cause	7
Stipulation for Order to Transmit Original Exhibit	23

*In the District Court of the United States for the
Western District of Washington, Northern
Division.*

No. 5959.

In the Matter of the Petition of HOSAYE SAKA-
GUCHI, For a Writ of Habeas Corpus.

HOSAYE SAKAGUCHI,
Appellant.

JAMES KIEFER,
Attorney for Appellant.

HON. ROBERT C. SAUNDERS,
United States Attorney.

MISS CHARLOTTE KOLMITZ,
Asst. United States Attorney.
Attorneys for Appellee.

Petition for writ of Habeas Corpus filed April 18,
1921.

Order to Show Cause Why Habeas Corpus should
not issue returnable April 21, 1921.

April 19, 1921, Cause continued to April 26, 1921.

April 26, 1921, Cause continued to April 27, 1921.

April 27, 1921, Cause submitted to the Court.

April 29, 1921, Opinion filed discharging order to
show cause and denying writ of habeas corpus.

May 9, 1921, Judgment entered dismissing cause.

May 10, 1921, Petition for appeal filed;

Notice of appeal filed;

Assignment of Errors filed;

Citation awarded and order fixing bond on
appeal filed.

Bond on appeal approved and filed.

*In the District Court of the United States in and
for the Western District of Washington,
Northern Division.*

No. 5959.

PETITION

In the Matter of the Petition of HOSAYE SAKAGUCHI, For a Writ of Habeas Corpus.

To the Honorable, the Judges of the Above Entitled Court:

The petition of Hosaye Sakaguchi respectfully represents:

That she is a subject of Japan; that she arrived in the United States of America on the Africa Maru on the 23rd day of December, 1919; that she had a passport issued by the proper authorities of the Government of the Empire of Japan bearing date the 10th day of the 10th month of the 8th year of Taisho, and that she is the wife of Kyunoemon Sakaguchi, who resides in the City of Seattle and has lived in the United States for about twenty-two years.

That she was, upon landing, denied admission to the United States because of being afflicted with hookworm, and upon application your petitioner was granted treatment for said disease and on January 24, 1920, a certificate was made by the United States Public Health Service, through its surgeons, that the petitioner had been cured of said disease, and thereupon your petitioner was, on February 27, 1920, by a majority of the Board of Special Inquiry, refused admission to the United States

because of trouble arising between her husband and petitioner subsequent to the landing, and upon the ground that she was likely to become a public charge, and upon the ground that her passport was not in proper form.

That thereafter your petitioner appealed from said holding and finding of the majority of said Special Board of Inquiry to the Commissioner of Labor; that said official permitted your petitioner to remain in the United States under bond against becoming a public charge, and again thereafter permitted your petitioner to remain in the United States under the recognizance of the Japanese Imperial Consul at the Port of Seattle. That the appeal of your petitioner has been finally denied, and your petitioner is to be deported on the *Africa Maru* on April 22, 1921.

That your petitioner was refused a fair and impartial trial in this: (a) That a majority of the Board of Special Inquiry and the Secretary of Labor ignored the passport of your petitioner and treated it as irregular, when in truth and in fact it is regular in all respects;

(b) In that a majority of the Board of Special Inquiry and the Secretary of Labor disposed of the case of your petitioner on the basis of and as if she were an unmarried woman, ignoring the rights of your petitioner as the wife of Kyumoemon Sakaguchi, and ignoring the liability of the husband of your petitioner for her support;

(c) In that a majority of the Board of Special Inquiry and the Secretary of Labor held that your

petitioner was liable to become a public charge notwithstanding the fact that your petitioner has a sister, Mrs. Komakachi Horikawa, who lives in the City of Seattle and whose husband keeps a hardware store and amply able to support petitioner and willing to do so, and liable so to do under the Statutes of the State of Washington;

(d) In that a majority of said Board of Special Inquiry and the Secretary of Labor held your petitioner to be a person likely to become a public charge notwithstanding the fact that petitioner is in good health and capable of supporting herself either by sewing or in domestic labor, all of which appears upon the record in the office of the Commissioner of Immigration.

That your petitioner is in the custody of Henry M. White, United States Commissioner of Immigration for the Port of Seattle, for deportation on April 22, 1921.

Wherefore, your petitioner prays that an order may be made herein, requiring said Henry M. White, Commissioner of Immigration for the Port of Seattle, to show cause why a writ of habeas corpus should not be issued herein requiring the said Henry M. White as Commissioner of Immigration as aforesaid to produce your petitioner before this Court, and why your petitioner should not be discharged and your petitioner allowed to remain in the United States.

HOSAYE SAKAGUCHI,

JAMES KIEFER,

Petitioner.

Attorney for Petitioner, 327 Colman Bldg.,
Seattle, Washington.

United States of America,
Western District of Washington,
County of King.—ss.

Hosaye Sakaguchi, the petitioner, being duly sworn on oath, says: That she has heard the foregoing petition read, knows the contents thereof, and the facts therein stated are true.

HOSAYE SAKAGUCHI,

Subscribed and sworn to before me this 18th day of April, 1921.

JAMES KIEFER,

Notary Public in and for the State
of Washington, residing at Seattle.

(N. P. Seal)

Filed in the United States District Court, Western District of Washington, Northern Division, April 18, 1921.

F. M. HARSHBERGER, Clerk,
By S. E. LEITCH, Deputy.

*In the District Court of the United States in and
for the Western District of Washington,
Northern Division.*

No. 5959.

ORDER

In the Matter of the Petition of HOSAYE SAKAGUCHI, For a Writ of Habeas Corpus.

In this cause the petition of Hosaye Sakaguchi having been presented to the Court,

It is by the Court ordered that Henry M. White,

as United States Commissioner of Immigration at the Port of Seattle, in this District, do show cause before this Court, on the 21st day of April, 1921, at the hour of ten o'clock A. M., why a writ of habeas corpus should not issue herein, commanding him, the said Henry M. White, as Commissioner aforesaid, to produce the body of said petitioner before this Court; and

It appearing to the Court that the said petitioner has been at large in the United States under the control of the Imperial Japanese Consul at Seattle, upon the recognizance of said Consul for her appearance when required for deportation,

It is by the Court further ordered, that the said recognizance be continued, and that pending the hearing of this order the said petitioner do remain in the custody of said Imperial Japanese Consul under said recognizance.

Done in open Court, April 18th, 1921.

EDWARD E. CUSHMAN, Judge.

Filed in the United States District Court, Western District of Washington, Northern Division, April 18, 1921.

F. M. HARSHBERGER, Clerk,
By S. E. LEITCH, Deputy.

*United States District Court, Western District of
Washington, Northern Division.*

In the Matter of the Application of HOSAYE
SAKAGUCHI, for a writ of Habeas Corpus.

No. 5959.

RETURN

To the Honorable Edward E. Cushman, Judge of
the District Court of the United States for the
Western District of Washington:

Now comes the respondent, Henry M. White,
United States Commissioner of Immigration for
the District of Washington, appearing by F. S.
McCullough, duly authorized Immigrant Inspector,
and produces the body of Hosaye Sakaguchi in
obedience to the command and direction of the writ
of habeas corpus in the above entitled matter, being
the person named in the petition for said writ.

For answer and return to said writ, respondent
averts that he detained in his custody the body of
Hosaye Sakaguchi for deportation from the United
States as an alien Japanese person not entitled to
remain in the United States under and by virtue
of an order of the Secretary of Labor issued to him
the said respondent.

Respondent attaches hereto the records, decisions
and exhibits, both on the hearing before him as
Commissioner of Immigration and the hearing in
appeal to the Secretary of Labor, which constitute
a part of this return.

And now the respondent having fully answered, he prays that said writ may be discharged.

F. S. McCULLOUGH.

United States of America,
Northern Division of
Western District of Washington.—ss.

F. S. McCullough, being first duly sworn, on his oath deposes and says: That he is Inspector of Immigration named in the foregoing return; that he has read the said return and knows the contents thereof and that he believes the same to be true.

F. S. McCULLOUGH.

Subscribed and sworn to before me this 26th day of April, 1921.

FRANK. L. CROSBY, Jr.

Deputy Clerk U. S. District Court for
the Western District of Washington.

Filed in the United States District Court, Western District of Washington, Northern Division, April 26, 1921.

F. M. HARSHBERGER, Clerk,
By S. E. LEITCH, Deputy.

*In the District Court of the United States, Western
District of Washington, Northern Division.*

No. 5959.

MEMORANDUM DECISION

Filed: April 29, 1921.

In the Matter of the Application of HOSAYE
SAKAGUCHI, for a writ of Habeas Corpus.
JAMES KIEFER, ESQ.,
For Petitioner.

HON. ROBERT. C. SAUNDERS,
U. S. Attorney,

MISS CHARLOTTE KOLMITZ,
Asst. U. S. Attorney,
For Respondent.

Cushman, District Judge.

I conclude that the board of special inquiry was legally constituted. On account of the conclusion reached, I do not deem it necessary to determine whether the board and Commissioner were right in holding the passport irregular.

I conclude that the finding of the board, approved by the Commissioner, that the petitioner was liable to become a public charge, is not so wholly devoid of supporting evidence as to warrant this court in granting discharge on habeas corpus.

It may be true that the sister of petitioner and the sister's husband, residing in the State of Washington, are able to provide for the petitioner and it may also be true that the petitioner is capable,

as a seamstress, or otherwise, to care for herself; but it is obvious that a new arrival in the country—a young woman—ignorant of its language and customs, without special protection, though skilled, may become a public charge by reason of her ignorance of the country and the willingness and ability of the sister and her husband to care for the applicant do not take the place of the husband.

The husband might be presumed to accompany and remain with the wife and it may be presumed that the husband is liable for the maintenance of the wife throughout the entire country; but neither presumption attaches in the case of the sister. Her husband being established in Seattle, she will be presumed to remain with him, but there is no presumption that the petitioner will remain in this state. If she leaves the state, the sister's liability for her support, under the state statute, if such exists, would not apply.

Whether the board and Commissioner would be warranted in concluding that a young Japanese woman, ignorant of the country, unprotected by her husband, is liable to become a public charge, because of the irregular life into which she might be forced through mischance, it is not necessary to decide; but that would be one of the contingencies that the board might consider along with the other circumstances of the case in reaching the conclusion it did.

The discharge upon the petition is denied.

Filed in the United States District Court, West-

ern District of Washington, Northern Division,
April 29, 1921.

F. M. HARSHBERGER, Clerk,
By S. E. LEITCH, Deputy.

*In the District Court of the United States in and
for the Western District of Washington,
Northern Division.*

No. 5959.

JUDGMENT DISMISSING PETITION

In the Matter of the Petition of HOSAYE SAKAGUCHI, For a Writ of Habeas Corpus.

In this cause, the petition for writ of habeas corpus having been heretofore filed herein and an order having been granted requiring Henry M. White, Commissioner of Immigration for the Port of Seattle, to show cause why a writ of habeas corpus should not be issued herein, and why the petitioner should not be discharged and allowed to remain in the United States having been granted and a return having been made by said Commissioner of Immigration, and the matter having come on regularly to be heard upon said return, the Court heard the argument of counsel and having duly considered the same, did heretofore on the 29th day of April, 1921, file its written opinion herein discharging said order to show cause, and denying the petition for a writ of habeas corpus.

It is therefore here and now ordered, adjudged and decreed, and the court does hereby order, adjudge and decree, that the said petition be dismissed

and said writ of habeas corpus be denied and refused, and that the petitioner, Hosaye Sakaguchi, be and she is hereby remanded to the custody of said Henry M. White, as U. S. Commissioner of Immigration for the Port of Seattle, for the execution of the judgment and order of deportation.

To the foregoing decree the said petitioner, Hosaye Sakaguchi, excepts and her exception is allowed.

Done in open Court this 7th day of May, 1921.

EDWARD E. CUSHMAN, Judge.

Filed in the United States District Court, Western District of Washington, Northern Division, May 9, 1921.

F. M. HARSHBERGER, Clerk,
By S. E. LEITCH, Deputy.

*In the District Court of the United States in and
for the Western District of Washington,
Northern Division.*

No. 5959.

PETITION FOR APPEAL

In the Matter of the Petition of HOSAYE SAKAGUCHI, For a Writ of Habeas Corpus.

Hosaye Sakaguchi, the petitioner above named, deeming herself aggrieved by the order and judgment entered on the 9th day of May, 1921, in the above entitled proceedings, does hereby appeal from the said order to the United States Circuit Court of Appeals for the Ninth Circuit, and prays that a transcript and record of proceedings and papers

upon which said order is made, duly authenticated, may be sent to the United States Circuit Court of Appeals for the Ninth Judicial District of the United States.

JAMES KIEFER,
Attorney for Petitioner.

Filed in the United States District Court, Western District of Washington, Northern Division, May 10, 1921.

F. M. HARSHBERGER, Clerk.
By S. E. LEITCH, Deputy.

*In the District Court of the United States in and
for the Western District of Washington.
Northern Division.*

No. 5959.

ASSIGNMENTS OF ERROR

In the Matter of the Petition of HOSAYE SAKAGUCHI, For a Writ of Habeas Corpus.

Comes now the petitioner, Hosaye Sakaguchi, and assigns error in the decision of the said District Court as follows:

I.

The said Court erred in holding and adjudging that the Board of Special Inquiry which passed upon the right of said petitioner to enter the United States was legally constituted.

II.

The Court erred in holding and deciding that petitioner, Hosaye Sakaguchi, had a fair and im-

partial trial before the Board of Special Inquiry and before the Secretary of Labor.

III.

The Court erred in holding and deciding that the petition for writ of habeas corpus herein be dismissed, and the writ of habeas corpus be denied and refused.

IV.

The Court erred in holding and deciding and adjudging that the petitioner, Hosaye Sakaguchi, be remanded to the custody of Henry M. White, as United States Commissioner of Immigration for the Port of Seattle, for execution of the order of sentence of deportation.

V.

The Court erred in deciding, holding and adjudging that the Board of Special Inquiry was justified in finding and holding that petitioner, Hosaye Sakaguchi, was likely to become a public charge.

JAMES KIEFER,

Attorney for Hosaye Sakaguchi,
Petitioner and Appellant.

May 10, 1921.

Filed in the United States District Court, Western District of Washington, Northern Division, May 10, 1921.

F. M. HARSHBERGER, Clerk,
By S. E. LEITCH, Deputy.

*In the District Court of the United States in and
for the Western District of Washington,
Northern Division.*

No. 5959.

ORDER FIXING BOND

In the Matter of the Petition of HOSAYE SAKAGUCHI, For a Writ of Habeas Corpus.

Now, to-wit, on the 10th day of May, 1921, it is ordered that the appeal be allowed as prayed for, and

It is further ordered that said petitioner, Hosaye Sakaguchi, may at any time pending said appeal be at large, upon executing a recognizance or bond to the United States, and sureties in the sum of one thousand (\$1000.00) dollars, to the satisfaction of the Clerk of this Court for her appearance to answer the judgment of the Circuit Court of Appeals, or the judgment of the District Court if the same be affirmed.

EDWARD E. CUSHMAN,
District Judge.

Filed in the United States District Court, Western District of Washington, Northern Division, May 10, 1921.

F. M. HARSHBERGER, Clerk,
By S. E. LEITCH, Deputy.

*In the District Court of the United States in and
for the Western District of Washington,
Northern Division.*

No. 5959.

NOTICE OF APPEAL

In the Matter of the Petition of HOSAYE SAKAGUCHI, For a Writ of Habeas Corpus.

To Henry M. White, United States Commissioner of Immigration at the Port of Seattle, Washington, and the United States of America, and to Robert C. Saunders, United States District Attorney for the Western District of Washington:

You, and each of you, are hereby notified that Hosaye Sakaguchi, petitioner above named, hereby now appeals from that certain order, judgment and decree made herein by the above entitled Court on the 9th day of May, 1921, adjudging, holding, finding and decreeing that the petition of the petitioner for writ of habeas corpus be dismissed, and that the petitioner be denied and refused a writ of habeas corpus, and adjudging that petitioner had a fair and impartial trial before the Board of Special Inquiry, and that the petitioner be remanded to the custody of Henry M. White, United States Commissioner of Immigration for the Port of Seattle, Washington, for the carrying out of the sentence of deportation, and from the whole thereof, to the United States Circuit Court of Appeals for the Ninth Circuit.

JAMES KIEFER,

Attorney for Hosaye Sakaguchi,
May 10, 1921. Petitioner and Appellant.

Received copy of foregoing Notice of Appeal, and

due service thereof is hereby admitted, this 10th day of May, 1921.

ROBERT C. SAUNDERS,
United States District Attorney for the
Western District of Washington, and
Attorney for Henry M. White, United
States Commissioner of Immigration
for the Port of Seattle, Washington.

By F. C. REAGAN,
Asst. United States Attorney.

Filed in the United States District Court, Western District of Washington, Northern Division, May 10, 1921.

F. M. HARSHBERGER, Clerk,
By S. E. LEITCH, Deputy.

*In the District Court of the United States in and
for the Western District of Washington,
Northern Division.*

No. 5959.

CITATION

In the Matter of the Petition of HOSAYE SAKAGUCHI, For a Writ of Habeas Corpus.

United States of America.—ss.

To Henry M. White, United States Commissioner of Immigration at the Port of Seattle, Washington, and to the United States of America, Greeting:

Whereas, Hosaye Sakaguchi has lately appealed to the United States Circuit Court of Appeals in

the Ninth Circuit from a judgment, order and decree lately rendered in the District Court of the United States for the Western District of Washington, made in favor of you, adjudging and decreeing that the petition of said Hosaye Sakaguchi for a writ of habeas corpus be dismissed and the writ of habeas corpus be denied and refused, and has filed the security required by law;

You are therefore hereby cited to appear before the said United States Circuit Court of Appeals, in the City of San Francisco, State of California, the 8th day of June next, to do and receive what may obtain to justice to be done in the premises.

Given under my hand at the City of Seattle, in the Ninth Circuit, this 10th day of May, in the Year of Our Lord One Thousand Nine Hundred and Twenty-one, and of the Independence of the United States the One Hundred Forty-fifth.

EDWARD E. CUSHMAN,

Judge of the United States District Court
for the Western District of Washington.

Received copy of foregoing Citation, and due service thereof is hereby admitted, this 10th day of May, 1921.

ROBERT C. SAUNDERS,

United States District Attorney for the
Western District of Washington, and
Attorney for Henry M. White, United
States Commissioner of Immigration
for the Port of Seattle, Washington.

By F. C. REAGAN,

Assistant United States Attorney.

Filed in the United States District Court, West-

ern District of Washington, Northern Division, May 10, 1921.

F. M. HARSHBERGER, Clerk,
By S. E. LEITCH, Deputy.

*In the District Court of the United States in and
for the Western District of Washington,
Northern Division.*

No. 5959.

APPEAL BOND

In the Matter of the Petition of HOSAYE SAKAGUCHI, For a Writ of Habeas Corpus.

Know All Men By These Presents: That we, Hosaye Sakaguchi, as principal, and Alfred T. White and Blanche R. White, his wife, of Seattle, Washington, as sureties, are held and firmly bound unto the United States of America in the full and just sum of one thousand (\$1000.00) dollars, to be paid to the United States of America, to which payment well and truly to be made we bind ourselves, our heirs, executors and administrators, jointly and severally by these presents.

Sealed with our seals and dated this 10th day of May, in the Year of our Lord One Thousand Nine Hundred and Twenty-one.

Whereas, lately at a District Court of the United States for the Western District of Washington, Northern Division, in a proceeding pending in said court, to-wit, a petition by the above named principal, Hosaye Sakaguchi, for a Writ of habeas corpus directed to Henry M. White, commanding that he produce the body of said petitioner before the

said District Court together with the cause of her detention; and

Whereas, upon the hearing of the said matter a judgment and decree was made by the Court in said cause denying the said writ of habeas corpus and dismissing the proceeding; and

Whereas, the above named Hosaye Sakaguchi has appealed from said judgment and decree in said habeas corpus proceeding to the Circuit Court of Appeals for the Ninth Circuit, and said Hosaye Sakaguchi has obtained a citation directed to the said Henry M. White, citing and admonishing him to be and appear at a session of the United States Circuit Court of Appeals for the Ninth Circuit, to be holden at the City of San Francisco in said Circuit on the 8th day of June next;

Now, the condition of this obligation is such that if the said Hosaye Sakaguchi shall prosecute said appeal to effect and answer all damages and costs, if she fail to make the said plea good, and shall and do in all things comply with and perform the judgment of the said United States Circuit Court of Appeals for the Ninth Circuit, as well as the judgment of the said District Court, if the same shall be affirmed, then the obligation to be void, else to remain in full force and virtue.

Sealed and Delivered in the presence of:

R. KOVAR,

WALTER E. THUMLER.

HOSAYE SAKAGUCHI (Seal)

ALFRED T. WHITE (Seal)

BLANCHE R. WHITE (Seal)

United States of America,
Western District of Washington,
County of King.—ss.

Alfred T. White and Blanche R. White, being first duly sworn according to law, do depose and say: That they are bona fide and actual residents of the County of King and State of Washington, and property owners therein; that they are the sureties who signed the foregoing bond; that they are worth in property in the State of Washington, not exempt from levy, execution and sale, the sum of three thousand (\$3000.00) dollars over and above all their just debts and liabilities, and that neither of them is an Attorney at Law or Clerk of the above entitled Court, or any officer of the above entitled Court.

ALFRED T. WHITE,
BLANCHE R. WHITE.

Subscribed and sworn to before me this 10th day of May, 1921.

WALTER E. THUMLER,

Notary Public in and for the State of Washington, residing at Seattle.

(N. P. Seal)

The foregoing bond approved.

Dated May 10, 1921.

EDWARD E. CUSHMAN, Judge.

Filed in the United States District Court, Western District of Washington, Northern Division, May 10, 1921.

F. M. HARSHBERGER, Clerk,
By S. E. LEITCH, Deputy.

*In the District Court of the United States in and
for the Western District of Washington,
Northern Division.*

No. 5959.

ORDER

In the Matter of the Petition of HOSAYE SAKAGUCHI, For a Writ of Habeas Corpus.

In this cause, on motion of James Kiefer, attorney for petitioner and appellant,

It is by the Court ordered, that the time for filing the record in the United States Circuit Court of Appeals be, and the same is, hereby extended to and including the 5th day of July, 1921.

Done in open Court, June 6th, 1921.

EDWARD E. CUSHMAN, Judge.

O. K.

ROBERT C. SAUNDERS,

U. S. Attorney.

By CHARLOTTE KOEPLITZ,

Asst. U. S. Attorney.

Filed in the United States District Court, Western District of Washington, Northern Division, June 6, 1921.

F. M. HARSHBERGER, Clerk,
By S. E. LEITCH, Deputy.

*In the District Court of the United States in and
for the Western District of Washington,
Northern Division.*

No. 5959.

ORDER

In the Matter of the Petition of HOSAYE SAKA-
GUCHI, For a Writ of Habeas Corpus.

Upon stipulation of Counsel, it is by the Court
ordered, and the Court does hereby order, that the
original record in the United States Immigration
Office at Seattle, filed herein as a part of the re-
turn of the Commissioner of Immigration, be trans-
mitted by the Clerk to the United States Circuit
Court of Appeals as an original exhibit and that the
same need not be printed.

Done in open Court this 20th day of June, 1921.

EDWARD E. CUSHMAN, Judge.

Filed in the United States District Court, West-
ern District of Washington, Northern Division,
June 20, 1921.

F. M. HARSHBERGER, Clerk,

By S. E. LEITCH, Deputy.

*In the District Court of the United States in and
for the Western District of Washington,
Northern Division.*

No. 5959

STIPULATION

In the Matter of the Petition of HOSAYE SAKA-
GUCHI, For a Writ of Habeas Corpus.

It is stipulated, between the appellant, by her
attorney, and the respondent, by the United States

attorney, that the original record in the office of the Commissioner of Immigration at Seattle, filed herein April 27, 1921, as a part of the return of the said Commissioner of Immigration, shall be transmitted to the Appellate Court as an original exhibit and need not be printed.

Dated June 20th, 1921.

JAMES KIEFER,

Attorney for Appellant,

ROBERT C. SAUNDERS,

United States Attorney and

Attorney for Respondent.

By F. C. REAGAN,

Asst. United States Attorney.

Filed in the United States District Court, Western District of Washington, Northern Division, June 20th, 1921.

F. M. HARSHBERGER, Clerk,

By S. E. LEITCH, Deputy.

CLERK'S CERTIFICATE.

United States of America,
Western District of Washington.—ss.

I, F. M. Harshberger, Clerk of the District Court of the United States for the Western District of Washington, do hereby certify the foregoing twenty-five printed pages, 1 to 25, inclusive, to be a full, true and correct copy of the record and proceedings in the above and therein entitled cause, as same appears upon the record of

this cause and appeal, and as the same remain of record and on file in the office of the Clerk of said Court, and that the same constitute the record on appeal from the order, judgment and decree of the District Court of the United States for the Western District of Washington to the Circuit Court of Appeals for the Ninth Circuit.

I further certify that I hereto attach and herewith transmit the original citation in this cause, and the original record in the office of the United States Commissioner of Immigration at Seattle, referred to and made a part of the return of said Commissioner and filed herein April 27th, 1921.

I further certify that the cost of preparing the foregoing record on appeal, and printing the same, is the sum of Forty-eight and 90/100 (\$48.90) dollars, to-wit: \$7.55 clerk's fees and \$41.35 printing, and that the said sum has been paid by James Kiefer, attorney for Appellant.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said District Court at Seattle, in said District, on this 28th day of June, 1921.

F. M. HARSHBERGER,
Clerk of the United States District Court
for the Western District of Washington.

